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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,299	12/05/2000	Kenneth H. Falchuk	healrc01.012	7848

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EXAMINER

KOPPIKAR, VIVEK D

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/730,299

Applicant(s)

FALCHUK ET AL.

Examiner

Vivek D Koppikar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Status of Application

1. This communication is in response to the application filed on December 5, 2000.

This application, a divisional and non-provisional application, claims priority to application 08/818,155 which is now US Patent Number 6,256,613. Claims 1-4 are pending and have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 5,517,405 to McAndrew in view of US Patent Number 5,002,491 to Abrahamson et al.

McAndrew is directed towards an expert system for providing interactive assistance in solving problems such as health care management. Abrahamson is directed towards an electronic classroom system enabling interactive self-paced learning.

As per claim 1, which is directed towards a method of providing continuing medical education credit to a first physician who has been engaged in consultation with a second physician via an intermediary, McAndrew teaches the steps and/or the means of an intermediary (server) being connected by a telecommunications system to both the first and second physicians (Col. 1, Ln. 35-54 and Col. 8, Ln. 27-37). McAndrew fails to disclose the steps of receiving a comment made with regard to the consultation via the

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telecommunications system from the second physician and providing the comment to a medical information specialist in the intermediary who is neither the first nor the second physician, the medical information specialist indicating continuing medical education credit for the first physician based at least on the comment in a database accessible from the intermediary. However these features are disclosed in Abrahamson (Col. 10, Ln. 1-11 and Ln. 23-42). At the time of the invention, one of ordinary skill in the art would have been motivated to modify the expert system of McAndrew with the above recited features taught in Abrahamson in order to produce a computerized system with the ability to provide classroom facilities for students to perform computer based instructional exercises, and run didactic software and simulations under the supervision of a teacher as recited in Abrahamson (Col. 3, Ln. 17-24).

As per claim 2, Abrahamson teaches the steps of retrieving instructional material relevant to the comment and the consultation from the information database and providing the instructional material to the first physician via the telecommunications system (the step of retrieving the instructional material being performed by the medical expert—(teacher)) (Col. 10, Ln. 43-58). At the time of the invention, one skilled in the art would have been motivated to add the above mentioned features to the expert system of McAndrew in order to provide an interactive method of providing didactic software as recited in Abrahamson (Col. 3, Ln. 17-24).

As per claims 3 and 4, as mentioned in the paragraph for claim 1, Abrahamson teaches the steps of providing an examination based on at least the instructional material via the telecommunications system, receiving answers for the examination from the first physician via the telecommunications system, grading the received answers and if the

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first physician (student) passes the examination, providing the continuing medical education credit (Col. 10, Ln. 23-42).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Vivek Koppikar** whose telephone number is **(703) 305-5356**. The examiner can normally be reached on Monday-Friday from 8 AM to 5 PM, Eastern Time.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (703) 305-9588. The fax phone number for the organization where this application or proceeding is assigned are (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vivek Koppikar

6/16/04



JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600